

## REMARKS

Status of the claims: Claims 1-10, 12-23 and 25-31 are currently pending. Claims 11 and 24 are canceled.

The Examiner has rejected Claim 1 under 35 U.S.C. §112 second paragraph on the basis that there is insufficient antecedent basis for the term “the joint abutment”. Applicant has amended Claim 1 to now provide such an antecedent basis and it is requested that this rejection be withdrawn.

The Examiner has objected to the numbering of claims as not in accordance with 37 CFR 1.126.

The previous numbers of Claims 18-31 have been amended to correct an inadvertent misnumbering in the Preliminary Amendment that was submitted with the original national stage 35 U.S.C. 371 application on February 8, 2005, for example the numbering of previous Claim 26 has been amended to read [[26]] 18. The numbering now conforms to the PCT Published Application, WO/2004/014161 A1 from the which the U.S. claims are taken.

The Examiner has objected to the drawings on the basis that Figures 1, 3, and 5 have not been designated by a legend such as - - prior art - - . Applicant has now so labeled Figures 1, 3, and 5 and it is requested that this objection be withdrawn.

The Examiner has rejected Claims 1, 2, and 10 under 35 U.S.C. 102(b) as anticipated by *Berger* (4,675,064) (*Berger*). Applicant respectfully traverses this rejection.

The filter cigarette embodiments of Applicant's invention comprise a unique combination of elements, namely a filter made of filtration material which is wrapped along the length thereof in tipping paper or other porous wrapper being other than a plug wrap. The tipping paper or other porous wrapper is in direct contact with the filtration material. In addition the filter so constructed, is joined to the paper wrapped tobacco rod of the cigarette by a strip of material which covers the abutment of the filter and the paper wrapped tobacco rod over an area which is closely adjacent the abutment, or in other words a relatively narrow strip.

The unique combination of structural features provides a number of advantages to Applicant's filter cigarette embodiments as compared to the prior art, wherein filters are typically formed of filtration material enwrapped in a plug wrap to stabilize the filter, and subsequently joined to the paper wrapped tobacco rod by a strip of tipping paper which overwraps the full length of the filter over the plug wrap, and extends over the abutment of the filter and the paper wrapped tobacco rod sufficiently far along the paper wrapped tobacco rod to form a secure joint.

The advantages of Applicant's embodiments are:

- The inventive structure negates the need to provide two different filter element wrapping materials over the entire length of the filter, thus providing a substantial cost savings.
- The elimination of the plug wrap which is typically particularly porous and is typically secured to the filtration material by adhesive, eliminates the frequent

bleed-through of the adhesive through the plug wrap which can be detrimental to the operation of the cigarette making machinery.

- The inventive structure provides the smoker with an outer layer of tipping paper which contacts the smoker's lips, the same as is provided in prior art cigarettes, thus avoiding any change to the product which a smoker may find to be undesirable or even unacceptable.

Applicant has amended Claim 1 to more clearly set forth the unique combination of elements discussed above.

Turning now to the *Berger* reference (4,675,064), there are two embodiments of cigarette construction illustrated. Figure 3 illustrates the typical multi-layer prior art structure discussed above, a layer of plug wrap surrounding the filtration material, and an overwrapped layer of tipping paper covering the plug wrap and extending over the abutment of the filter and the paper wrapped tobacco rod to secure the filter to the rod.

Figure 1 of *Berger* illustrates an embodiment in which a smoke impervious or non-porous plug wrap which takes the form of a plastic film, overwraps the filter and is exposed to the smoker's lips in use, providing a quite different experience which smokers may find undesirable or even unacceptable.

Accordingly it is respectfully submitted that *Berger* does not teach every aspect of the claimed invention either explicitly or impliedly and therefore does not anticipate the embodiments of Claims 1, 2, and 10 under 35 U.S.C. 102(b) (MPEP §706.02V.) It is therefore requested that

this rejection be withdrawn.

The Examiner has further rejected Claims 1, 2, and 10 under 35 U.S.C. 103(a) as obvious over *Berger*. Applicant submits that *Berger* does not teach, suggest, or motivate one skilled in the art to construct a cigarette having the construction or exhibiting the advantages discussed above for the embodiments of Applicant's invention, for the same reasons as discussed for the rejection under 35 U.S.C. 102(b), and it is requested that this rejection be withdrawn.

The Examiner has further rejected Claims 3-9, and 11-23 (now 11-17 and 25-30), and 25 (now 31) under 35 U.S.C. §103(a) over the principal reference to *Berger* in view of one or more of *Barnes*, *Molins et al.*, *Perfetti*, *Salonen et al.*, *Bushby et al.*, *Adams et al.*, *Browne*, and *Clarke et al.*

The deficiencies of *Berger* as a principal reference have been fully discussed above. None of those deficiencies are cured by the secondary references cited by the Examiner. In fact of the secondary references cited, only *Barnes* and *Perfetti* discuss the structure of a filter as attached to a cigarette rod in any detail. In *Barnes*, the filtration material 44 is overwrapped with a plug wrap 47 which in turn is overwrapped by tipping paper 46 which extends over the abutment of the filter and cigarette rod to secure the two together, precisely the typical prior art construction over which Applicant's embodiments are patentably defined as discussed in detail above.

Likewise in *Perfetti* the filtration material 35 is overwrapped with plug wrap 40 which in turn is circumscribed by tipping paper 45 which extends over an adjacent region of the tobacco rod to secure the filter to the rod, again precisely the typical prior art construction over which

Applicant's embodiments are patentably defined, again as discussed in detail above. It is therefore submitted that the references cited by the Examiner under 35 U.S.C. §103(a) fail to teach, suggest, or motivate one skilled in the art to construct the filter cigarette embodiments of the invention, and it is respectfully submitted that those rejections be withdrawn.

The Application is therefore in condition for allowance, and such action is respectfully requested.

The Examiner is also requested to telephone the undersigned attorney if there are any further issues that require discussion.

Respectfully submitted,

/Charles I. Sherman/

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